

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-222605  
MATTER OF: DBMS, Inc.

DATE: May 28, 1986

## DIGEST:

A late offer sent by a commercial carrier can be considered only if it is shown that the paramount cause for the late receipt was some improper government action.

DBMS, Inc., protests the rejection of its offer as late under Department of the Air Force solicitation No. F41689-86-R-0033. DBMS states that despite its attempts to ensure that the commercial carrier it chose to deliver the proposal arrived at the government installation on time, the offer did not reach the contracting office until 30 minutes after it was due.

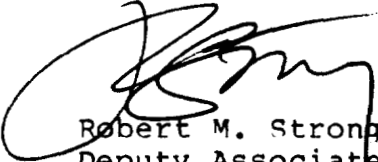
We dismiss the protest pursuant to our Bid Protest Regulations, 4 C.F.R. § 21.3(f) (1985), because it is clear on the face of the protest that it is without merit.

An offeror is responsible for assuring that its proposal arrives on time. Jack Burney, B-218426, Apr. 24, 1985, 85-1 C.P.D. ¶ 468. A late offer delivered by commercial carrier can be considered only if the paramount cause for the late receipt was some improper government action. Motorola Inc., B-219592, July 24, 1985, 85-2 C.P.D. ¶ 84. Since the government did not contribute to DBMS's late submission, the offer properly was rejected.

The reason for the late proposal rules is that the manner in which the government conducts its procurements must be subject to clearly defined standards that apply equally to all so that fair and impartial treatment is ensured. There must be a time after which offers generally may not be received. To permit one offeror to deliver its proposal or modification after the closing date inevitably would lead to confusion and unequal treatment of offerors and thereby would tend to subvert the competitive system. While we realize that by application of its late proposal rules, the government at times may lose the benefit of proposals that offer terms more advantageous than those

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received timely, maintaining confidence in the competitive system is of greater importance than the possible advantage to be gained by considering a late proposal or modification in a single procurement. See Real Fresh, Inc., B-204604, Dec. 31, 1981, 81-2 C.P.D. ¶ 522.



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